

REMARKS

This is intended as a full and complete response to the Final Office Action dated August 14, 2006, having a shortened statutory period for response set to expire on November 14, 2006. Applicant submits this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-25 are pending in the application. Claims 4 and 13 have been canceled. Claims 1-3, 5-12 and 14-25 remain pending following entry of this response. Claim 1 has been amended to add the previously examined limitations of claim 4. Claim 9 has been amended to add the previously examined limitations of claim 13. Applicant submits that the amendments do not introduce new matter.

Interview Summary

On Monday, October 16, 2006, a telephonic interview was held between Randol Read (Attorney), Chris Shannon (Attorney), and Pierre-Michel Bataille (Examiner). The parties discussed the cited references including *Kawashima* and *Naka*. The parties also discussed proposed amendments to the claims. The proposed amendments are reflected in this response.

During the interview, Applicant submitted that neither *Kawashima* nor *Naka* teach "the compression engine changes the block size data in response to the achieved compression ratio falling below the predetermined threshold level."

Claim Rejections - 35 U.S.C. § 102

Claims 9-10, 12, 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by *Kawashima et al.* US 5,805,932 (Hereinafter, "*Kawashima*").

Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Kawashima* does not disclose "each and every element as set forth in the claim." For example, *Kawashima* does not disclose at least "an executable component configured to change the block size data in response to detecting the software trap."

The Examiner argues that *Kawashima* discloses "an executable component configured to change the block size data in response to detecting the software trap at Column: 36, Lines: 37-47 and Column: 30, Lines: 1-65. However, the cited passage is in fact directed to determining if a comparison of compressed data to un-compressed data meets certain requirements. If the comparison meets the requirements, the system of *Kawashima* transmits compressed data. However, if the comparison does not meet the requirements, uncompressed data is transmitted. Thus, *Kawashima* does not describe changing block size data, rather *Kawashima* describes comparing compressed data and uncompressed data and sending one of the two forms of the data if certain requirements are satisfied.

Additionally, Applicant has amended independent claim 9 to include the previously examined claim 13 limitation of "wherein the executable component is configured to change the block size data by writing to a compression control register accessed by the compression engine. "

Original claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Kawashima* in view of *Naka et al.* US 2002/0083238 (hereinafter, "*Naka*").

Applicant respectfully submits, however, that even if combined, these references fail to teach changing "the block size data by writing to a compression control register accessed by the compression engine" as claimed.

An exemplary compression control register is illustrated in Figure 3 of the application. As illustrated, the compression control register 322 may contain block size bits 320 which may be used to store block size data. Furthermore, as illustrated in Figure 3 software 314 may modify the block size, for example, by writing to the block size bits 320 in the compression control register 322.

The Examiner argues that a compressing control register is disclosed in *Kawashima* at Column: 29, Lines: 35-41. However, Applicant submits that the section of *Kawashima* cited by the Examiner only describes a register which contains a calculated compression ratio. (*Kawashima*, Column: 29, Lines: 39-40). Thus, the register described in *Kawashima* does not comprise block size data, rather the register in *Kawashima* contains a calculated compression ratio.

The Examiner relies on *Naka* as teaching changing a block size. However, as will be described in further detail below, *Naka* teaches only changing a bit rate, not a block size.

Therefore, claim 9 and its dependents are believed to be allowable, and allowance of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-8, 11, 13 and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kawashima* in view of *Naka*. Applicant respectfully traverses these rejections.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three

basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the third criteria.

For example, the references, even if combined as suggested in the Office Action, do not teach changing block size data (indicating the size of data blocks used in compression) in response to an achieved compression ratio falling below a predetermined threshold level, as recited in independent claims 1, 17 and 21.

Applicant notes that the Examiner concedes that changing block size is not taught in *Kawashima* (Office Action, Page: 8, Lines: 6-8), but relies on *Naka* to teach these claim limitations.

The Examiner cites Figure 11, paragraph 46 and paragraph 62 of *Naka* as teaching changing block size data. However, Applicant submits that the cited sections teach changing a bit rate if the available space in a storage medium is insufficient for storing data, and recompressing data at a lower bit rate if a storage medium does not have a sufficient amount of storage space. There is no mention of block size or changing block size whatsoever in *Naka*.

Additionally, Applicant has amended independent claim 1 to include the previously examined limitation presented in now-cancelled claim 4, reciting block size data is contained in a compression control register.

An exemplary compression control register is illustrated in Figure 3 of the application. As illustrated, the compression control register 322 may contain block size bits 320 which may be used to store block size data. Furthermore, as illustrated in Figure 3 software 314 may modify the block size, for example, by writing to the block size bits 320 in the compression control register 322.

In rejecting original claim 4, the Examiner argues that a compression control register is disclosed in *Kawashima* at Column: 29, Lines: 35-41. However, Applicant submits that the section of *Kawashima* cited by the Examiner only describes a register which contains a calculated compression ratio. (*Kawashima*, Column: 29, Lines: 39-40). Thus, the register described in *Kawashima* does not comprise block size data, rather the register in *Kawashima* contains a calculated compression ratio.

For these reasons, Applicant submits independent claims 1, 17 and 21 and their dependents allowable, and respectfully requests withdrawal of this rejection.

Conclusion

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Randol W. Read to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted,



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